

**Minutes of the February 22, 2012 Meeting
Zoning Hearing Board
Borough of Gettysburg**

Please refer to the Transcript of Testimony at the hearing held on Wednesday, February 22, 2012 at the Borough Building, 59 East High Street, Gettysburg, Pennsylvania for a verbatim record of the proceedings.

The Zoning Hearing Board (ZHB) was called to order by Kimberly (Kim) Mayers at 7pm on Wednesday, February 22, 2012. Those in attendance were: Board members Walton Davis and Mark Weaver; Holiday Giles, Board alternate; John S. Phillips, Solicitor for the Board; Merry V. Bush, Borough Planning Technician; Scott Dellett, Borough Planning Director and Zoning Officer; and Rhonda Kershner, stenographer. Stacey Green and Larry G. Weikert were absent.

Others in attendance were: Charles Suhr, Stevens & Lee, the applicant's attorney; Emmitt Patterson, McDonald's franchise holder; Maureen Walker and Corey Chase, McDonald's Corporation; Greg and Donna Sweesy, 922 Johns Avenue; Robert DeFayette, 100 King Street. Representing the media was Mark Walters, *Gettysburg Times*.

Annual Reorganization

Kim Mayers turned over the meeting to John Phillips, who called for nominations for chairman. Walton Davis nominated Stacey Green to serve as chairman; the nomination was seconded by Mark Weaver. Mr. Davis moved to close the nominations. Mr. Weaver seconded. The members voted unanimously to elect Ms. Green to the position of chairman.

Walton Davis nominated Kim Mayers for vice chairman; the nomination was seconded by Mark Weaver. Mr. Davis moved to close the nominations. Mr. Weaver seconded. Ms. Mayers was elected unanimously.

Mark Weaver moved to retain Walton Davis as secretary. Kim Mayers seconded. The vote was unanimous.

Minutes and Agenda

Walton Davis made a motion to approve the minutes from the November 30, 2011 meeting. Mark Weaver seconded. The minutes were approved as written. There were no changes or additions to the agenda.

Hearing of case. McDonald's USA, LLC, 517 Steinwehr Avenue

John Phillips gave an overview of the procedures that would be followed during the hearing. Scott Dellett confirmed that the hearing had advertised and the property posted on February 10, 2012.

Walton Davis read the application into the record. The applicant presented its case.

Two parties in interest were identified as Greg and Donna Sweesy, owners of 922 Johns Avenue and Robert DeFayette, owner of 100 King Street. Walton Davis made a motion to approve the two parties-in-interest. Mark Weaver seconded and the motion carried unanimously.

The Board broke into executive session at 8:55 pm and returned at 9:10 pm. John Phillips reported that during the executive session legal standards for the granting of variances and the pre-existing average setback.

Walton Davis moved to grant all variances that have to do with the Build-to line whether they are needed or not. Mark Weaver seconded. The motion carried, 3 to 0.

Walton Davis moved to grant the variance from the provision of Section 27.1302K Parking space requirements. Mark Weaver seconded; the motion carried, 3 to 0.

Walton Davis moved to deny the variance for Section 27.1524.2.FF.2 for a third menu board since the applicant did not prove a hardship as required by the Municipalities Planning Code. Mark Weaver seconded; the motion carried, 3 to 0.

Other variances listed in the zoning application were either deemed unnecessary by the Borough or withdrawn. The special exception for a drive-thru was also deemed unnecessary.

The meeting adjourned at 9:15 pm.

Respectfully submitted,

Merry V. Bush
Borough Planning Technician